

## REMARKS

This is in response to the Office Action mailed April 24, 2003. Applicants respectfully traverse and request reconsideration.

### Amendment to Claim 4

Applicants respectfully submit the above amendment, for the Examiner's consideration, of claim 4. This amendment seeks to correct an informality regarding the term of text for output display with closed captioning information. It is submitted that, as the Examiner never specifically rejected this claim, this amendment is not directly related to patentability, but rather provides for consistency with claim term language. Furthermore, it is submitted this amendment is not narrowing in nature as correcting the claim terminology has not narrowed the claim scope. Should the Examiner feel this amendment is directly related to patentability and/or narrowing in nature, Applicants respectfully request an assertion by the Examiner.

### Rejection under 35 U.S.C. §103

Claims 1-2, 4-8, 10-14 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kwoh et al., U.S. Patent No. 6,115,057, ("Kwoh") in view of Ming et al., U.S. Patent No. 5,710,815 ("Ming") and Chapman et al., U.S. Patent No. 6,216,228 B1 ("Chapman").

Regarding independent claims 1, 7 and 13, Applicants respectfully traverse and submit the present rejection is improper as the combination of Kwoh, Ming and Chapman fail to teach or suggest all of the claimed limitations.

Applicants respectfully re-submit that Kwoh is directed to, inter alia, a device for blocking the display of a program video segment by replacing the blocked video segment with embedded text in the incoming stream, wherein the text describes the blocked scene if it is determined that the extracted rating data indicates that the program video segment has an unacceptable rating level. As cited by the Examiner in Kwoh, col. 9, lines 5-15, the text information is imbedded within the incoming video signal. Hence, Kwoh discloses the device for substituting the display of the extracted text data representative of the content of the program video segment or the blocked program video segment. This device maintains control of rating

levels while providing a means for the viewer to comprehend basic plot events of a censored program during the entire length of the program. The method disclosed by Kwoh requires a video signal that includes both video and corresponding descriptive text data. This method relies on a substitution of text data for blocked video data, and therefore does not require scrambling of video data. In fact, due to the imbedded nature of video and text data, scrambling would result in a loss of text data and therefore render useless the substitution of text for video data in Kwoh's method. Applicants respectfully submit that the Kwoh reference teaches a way for any method of scrambling as a way to prevent viewing of video programs.

Ming is directed to, inter alia, an encoder and decoder for television signals with embedded viewer access controlled data. More specifically, Ming discloses, inter alia, a television broadcast system having a plurality of channel processors 102 that include channel controllers 105 controlling scrambling of associated video television programs. Video frames of the signal 110 are scrambled by signal encoder 103 under the control of the corresponding channel control using a random line inversion and synchronization suppression technique. In other words, Ming teaches a system, inter alia, in which when a particular signal is not to be viewed, for example, when it is a pay-per-view program and the user has not paid the proper subscription fee or if the cable subscription user is not subscribed to a particular channel, the data formatter and video scramble control 118 generates a scrambled output signal which is provided to an output device.

Chapman is directed to, inter alia, controlling video or image presentation with respect to encoded content classification information provided via an invisible digital watermark. Chapman teaches, inter alia, embedding the digital watermark in a display signal such that the display signal is received and the input video data and ratings are compared with a stored rating system. Chapman teaches utilizing an invisible watermark code embedded within the display signal wherein the watermark is embedded prior to the transmission of the signal to a receiving device. Chapman specifically and succinctly discloses, inter alia, providing an intermediate buffer containing blanking data, such that when the watermark codes, upon being decoded, indicates subject matter not presentable for viewing on an output display, the system of Chapman provides the blanking data to the video display or other forms of preventing transfer of the video or image data to the display output. Moreover, on col. 4, lines 53-55, Chapman provides that the

controller may prevent display of certain portions “by scrambling the data which is sent so as to display an unintelligible picture for the portions deemed unsuitable for display.” It is noted that the single phrase for scrambling data is provided solely within summary of the invention and that the specification fails to provide any adequate support for implementing scrambling of data. Rather, Chapman specifically and succinctly discloses, among other places, on col. 9, lines 24-29, that the contents of an overlay buffer are provided to the display buffer and superimposed on the video data stream such that the video data itself is not visible. Moreover, Chapman does not specifically disclose what data is scrambled by the phrase “scrambling the data which is sent.” In the previous portion of the above quoted sentence on page 4, and within the body of the description of preferred embodiments, Chapman discloses that the data that is sent to the display is blanking data. Therefore, based on ambiguities within the wording of Chapman and the lack of any actual disclosure enabling scrambling the video data itself, it is submitted that Chapman does not teach or suggest producing scrambled content wherein the scrambled content is at least a portion of one of the audio, video or text content.

As noted above, independent claims 1, 7 and 13 provide for, among other things, scrambling at least a portion of the at least one video, audio, and text content to produce scrambled content; and providing the scrambled content to a content rendering device. In support of the present rejection, the Examiner has asserted that Ming teaches that “the user can control the display of viewing programs by scrambling at least a portion of the programs with a scramble control unit 118 within a receiving decoder such that the scrambled video and audio signals can be provided at the content rendering device.” Applicants respectfully traverse and submit, as noted above, that Ming succinctly discloses blocking the display and does not provide for scrambling audio and video signals. Rather, Ming teaches a system which blocks the signals and does not provide for scrambling therein. For example, on col. 8 of Ming, an exemplary sequence of programming events is illustrated having a sequence of events including violent content for a period of one minute and five seconds, wherein Ming teaches displaying a substantially blank screen along with a brief textual explanation as to why viewing is presently precluded. Therefore, it is submitted that Ming does not teach scrambling the content, but rather specifically teaches providing alternative content.

As discussed above regarding Chapman, it is also submitted that Chapman teaches providing alternative content and not scrambled content originally provided within the received content signal. Applicants acknowledge and appreciate the Examiner's citation of col. 4, lines 40-55 of Chapman, but submit that this support is improper in view of Chapman's lack of any actual disclosure of scrambling content signal data and further in view of Chapman solely disclosing the embodiment of utilizing contents within an overlay buffer to blank out the screen. Therefore, it is submitted that none of the references teach, either individually or in combination thereof, inter alia, "scrambling at least a portion of the at least one video, audio, and text content are produced scrambled content and providing the scrambled content to a content rendering device."

Furthermore, Applicants respectfully submit that Chapman discloses that the watermark codes can be encoded separately for different portions of a program such that different content of the different program portions can be taken account of provides for different segments within a specific program. For example, Chapman discloses watermarked protection for varying sequences, such as a violent sequence, or a sequence having profanity or any other viewing sequence in which parental controls or other type of controls may be desired. Claims 1, 7 and 13 claim scrambling at least a portion of the at least one of video, audio, and text content to produce scrambled content which is wholly inconsistent with Chapman's disclosure of teaching watermark codes for different portions, segments, of the output display. In the present rejection, the Examiner has improperly asserted the teachings of Chapman using the term portions, which discloses a timed segment of video output, with the claimed term of portion, which provides for either a video portion, an audio portion and/or a text content portion received within the original content signal. Therefore, it is submitted that Chapman teaches a completely different system and that the Examiner's support on page 3 of the present office action is directed to improper assertions regarding the teaching of Chapman as applied to the present invention.

Applicants further respectfully traverse the Examiner's motivation for combining the teachings of Kwoh, Ming and Chapman as being "in order to scramble at least a portion of the at least one video, audio and text content to produced scrambled content and providing the scrambled content to a content rendering device." As submitted above, Ming and Chapman do not teach or suggest scrambling at least a portion, one of the types of content, of the content

signal to produce scrambled content and providing the scrambled content to a content rendering device. Rather, as noted above, Ming and Chapman provide for blocking the full display by using either the technique of providing a blanking output signal or no output signal at all, but provide for scrambling a portion, a timed segment portion containing various types of content, and thereupon inserting blanking data or non-visual output, for that specific time-segment portion.

As such, Applicants respectfully request reconsideration and withdrawal on the passage of claims 1, 7 and 13 to issuance. Should the Examiner maintain the present rejection, Applicants respectfully request a showing, including specific column and line numbers, of where Chapman specifically discloses and provides an enabling support for scrambling at least a portion, wherein the portion is at least one of the video, the audio or the text content, thereupon producing scrambled content data and providing the scrambled content data to a rendering device.

Regarding claims 2, 8 and 14, Applicants respectfully traverse and submit that neither Ming nor Chapman teaches or suggest the claimed limitations claimed herein. First discussing Ming, the Examiner-cited passage and support of the present rejection is improper because, *inter alia*, column 13, lines 24-44 teach scrambling the audio signal 109 associated with video signal 108 prior to transmitting the encoded television signal over an output controller. Output 112 of signal combiner 104 is a common antenna television signal, suitable for distribution by a convention cable television network. See column 4, lines 41-44. The Examiner-cited passage disclosed encoding audio for the purpose of being transmitted to a receiving device, and not a rendering device. Moreover, claim 2 specifically claims, *inter alia*, “the content signal includes the audio content,” and “scrambling at least a portion of the audio content to produce scrambled audio content.” Moreover, claim 2 provides for “providing the scrambled audio content to an audio rendering device.” Ming teaches a system, which provides scrambled audio content to a decoding device whereupon then a check may be made as to whether the received transmission signal, including audio and video, meets with the prescribed authorization codes. Ming does not teach a system which produces scrambled audio content and provides a scrambled audio content to an audio rendering device, but rather produces scrambled audio and then transmits that scrambled content to a receiving device, such as a television set-top box.

Regarding the teachings of Chapman, Applicants assert confusion as to where the Examiner-cited passage provides any indication regarding the application of scrambling at least a portion of the audio content to produce scrambled audio content and providing scrambling audio content to an audio rendering device. The Examiner-cited passage provides for three specific options when the watermark codes provide for a specific portion, a timed sequence of events within an overall program, are not within acceptable watermark code requirements. The first option is the controller may prevent display of certain portions of the video output by overlaying the video or image data with blanking data. The second option is the controller may prevent display by preventing transfer of the video or image data to the display. And the third option disclosed in the summary of the invention is that the controller may prevent display by “scrambling the data which is sent so as to display an unintelligible picture for the portions deemed unsuitable for display.” As discussed above, Applicants assert confusion as to what exactly Chapman discloses as the “data which is sent” but further provides that regardless of confusion asserted herein, the three noted forms of preventing display do not provide any indication regarding an audio portion. Rather, Chapman clearly and succinctly discloses dealing solely with the image itself and does not provide any indication nor does it teach nor suggest the claimed limitations of claims 2, 8 and 14 providing for scrambling audio content.

Applicants further respectfully resubmit the above position offered with regards to claims 1, 7 and 13. As such, it is submitted that claims 2, 8 and 14 contain further patentable subject matter in view of the prior record and passage to issuance is respectfully requested. Should the Examiner maintain the present rejection, Applicants request a showing, including specific column and line numbers, where either Ming teaches scrambling a portion of the audio content to produce scrambled audio content beyond teaching scrambling audio to be transmitted to a receiving device and/or where Chapman teaches any disclosure regarding scrambling at least a portion of the audio content to produce scrambled audio content and providing the scrambling audio content to an audio rendering device.

Regarding claims 4, 10 and 17, Applicants respectfully resubmit the above positions offered with regards to claims 1, 7 and 13 and further resubmit the position offered with regards to claims 2, 8 and 14 submitting that neither Ming nor Chapman disclose limitations regarding not only scrambling at least a portion of the audio content, but further fail to teach or suggest

scrambling the text content to produce scrambled text content and providing the scrambled text content to a display.

Moreover, the Examiner asserts in the present office action that Kwoh shows “scrambling the text content to produce scrambled text content, wherein the content signal includes the text content and providing the scrambled closed-captioning content to a display.” Applicants traverse as the Examiner has previously asserted that Kwoh specifically discloses providing a blank output when the extracted data rating is lower than the desired grading level. As noted on Figure 31A, steps 920 and 922, Kwoh utilizes a system whereupon characters are generated for text and display on a television monitor, but is submitted that this is the exact opposite of the claimed limitation because claim 4, 10 and 17 recite scrambling the text content not generating the actual characters for text that are provided in the display. In fact, Kwoh teaches the opposite of what the claimed present invention seeks to provide which is scrambling the closed-captioning and Kwoh teaches providing the actual text itself to a display. As such, it is submitted that none of the prior references teach or suggest the claimed limitations of claims 4, 10 and 17.

Applicants respectfully resubmit the above position offered with regards to claims 1, 7 and 13 and submit that claims 4, 10 and 17 contain further patentable subject matter in view thereof. As such, reconsideration and withdrawal is respectfully requested.

Regarding claims 5-6, 11-12, 18 and 20, Applicants respectfully submit that these claims contain further limitations that are neither taught nor suggested by the combination of prior art references. It is submitted that these claims contain further patentable subject matter and are allowable not merely as being dependent upon the allowable independent base claim, claims 1, 7 and 13, respectively. As such, Applicants respectfully request reconsideration and withdrawal and the passage of these claims to issuance.

Claims 3, 9, 15-16 and 21-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kwoh in view of Ming, Chapman and Frederiksen, U.S. Patent No. 4,605,961 (“Frederiksen”).

Regarding claims 3, 9, 15-16, 21-22, Applicants respectfully traverse and request reconsideration. Applicants respectfully resubmit the previously offered position regarding the teachings of Frederiksen submitted in the response filed February 3, 2003. Applicants further respectfully submit that claims 3, 9, 15-16 and 21-22 contain further patentable subject matter in

view the prior art of record and are allowable not merely as being dependent upon allowable base claim. For example, regarding claims 3, 9 and 15-16, resubmitting the above position offered with regards to claims 1, 7 and 13, Applicants submit that further adding the limitations of attenuating at least a portion of the audio content that produces scrambled audio content would not be taught or suggested by the further inclusion of the teachings of Frederiksen as previously noted above and in the response filed February 3, 2003.

Applicants further respectfully traverse the present rejection as the Examiner has failed to provide any stated motivation for combining the present references of Kwoh, Ming, Chapman and Frederiksen. As such, Applicants request reconsideration and withdrawal. Should the Examiner maintain the present rejection, Applicants request, among other things, a showing of the stated motivation for the combination of the above-noted references in support of the present rejection.

Accordingly, Applicants respectfully submit that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Date: July 23, 2003

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Respectfully submitted,

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